

Appl. No. 09/787,922
Amendment dated: January 29, 2007
Reply to OA of: July 27, 2006

REMARKS

Applicants acknowledge with appreciation the indication in the Official Action that the application appears to contain allowable subject matter and the absence of a prior art rejection. Applicants are making every effort to overcome the formality rejections and believe that the amendments to the claims obviate the outstanding rejections and places the application in condition for allowance. However, the Examiner is invite to telephone the undersigned attorney should additional amendments be necessary to discuss such amendments and expedite the prosecution to an early allowance.

Applicants have further amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. Applicants note that in view of the Request for Continued Examination filed on March 20, 2006, the appeal has been withdrawn, the prosecution in this application has been reopened and Applicants submission filed on March 20, 2006 has been entered.

The objection to claims 17-19, 32 and 34 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim has been carefully considered but is most respectfully traversed in view of the amendments to the claims and further in view of the following comments. With respect to claim 17, Applicants submit that they agree with the Examiner in that the liquid carrier in the slip evaporates prior to burn-out of the organic binder; whereas in claim 1 it is recited that heating the foamed ceramic slip to burn out the organic binder. Applicants understand that it is in Examiner's opinion that if the liquid carrier evaporates, then the material can no longer be described as a "*slip*" but instead should more accurately be referred to as a "*casting*" and this would be fully appreciated by one of ordinary skill in the art to which the invention pertains..

However, it should be noted that claim 17 does not recite that all of the liquid carrier has to be evaporated. As a consequence, Applicants do not consider that claim

Appl. No. 09/787,922
Amendment dated: January 29, 2007
Reply to OA of: July 27, 2006

17 is limited solely to a casting. In fact, Applicants believe that the claim also encompasses something falling between a slip and a casting.

With respect to claim 32, it is urged that this claim merely states a preference and has no requirements or limitations and, thus, claim 32 does not further limit a previous claim. Applicants have deleted the term "preferably" from claim 32.

It is stated that claim 34 depends on claim 3 which has been canceled from the present application. Applicants have amended claim 34 to be dependent upon independent claim 1.

Accordingly, it is most respectfully requested that this objection be withdrawn.

The rejection of claims 1, 2, 4-16, 20-27, 33 and 35-40 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention has been carefully considered but is most respectfully traversed in view of the amendments to the claims and further in view of the following comments.

The Examiner suggests that the wording in step c) *"heating the foamed ceramic slip at a temperature sufficient to substantially burn out the organic binder"* is unclear because of the word "at". Applicants would like to bring to the Examiner's attention that Step c) is discussed in detail on page 10 of the specification. As will be appreciated by one skilled in the art, the burn-out temperature depends on the nature of the organic binder. All that is required is for the ceramic foam material to be heated to a temperature sufficient to burn-out the binder. Heating is carried out at a rate and temperature to sufficiently burn-out the binder. The Examples on pages 16 to 20 also describe the burn-out procedure.

With respect to claim 7, AW glass-ceramic stands for Apatite-Wollastonite glass-ceramic as would be appreciated by one of ordinary skill in the art to which the invention pertains. This is a well-known biomaterial and Applicants submit herewith copies of references in support of their argument.

The Examiner objects to the term "w/v %" with respect to claim 12 and states

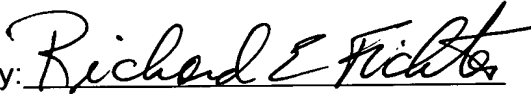
Appl. No. 09/787,922
Amendment dated: January 29, 2007
Reply to OA of: July 27, 2006

that this term indefinite as to its meaning. It is further stated that it is unclear if the "/" means "or" as it does in claim 4. Applicants submit that "w/v %" refers to percentage solution. For example, a 1% solution would have 1g of solute dissolved in a final volume of 100ml of solvent. Applicants submit herewith the Wikipedia definition as reference, which states "In biology percentage solutions are often referred to molar ones. A 1% solution would have 1 g of solute dissolved in a final volume of 100 ml of solvent. This would be labeled as a weight/volume [w/v] percentage solution..." The weight is in grams (g) and the volume is in millilitres (ml). This is clearly described in the Examples (see Example 1 on page 16 of Applicants' specification). Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments, further amendments to the claims, and additional documents submitted with the present response, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: 
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080
REF:cjw
A05.wpd
January 29, 2007